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Filing date: **05/13/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91189061
Party	Defendant Woolpert, Inc.
Correspondence Address	KAREN K. HAMMOND PORTER WRIGHT MORRIS & ARTHUR LLP 41 S HIGH ST STE 2800 COLUMBUS, OH 43215-6194 UNITED STATES ipdocket@porterwright.com, khammond@porterwright.com
Submission	Other Motions/Papers
Filer's Name	Karen Hammond
Filer's e-mail	ipdocket@porterwright.com, khammond@porterwright.com, aanderson@hollandhart.com
Signature	/Karen Hammond/
Date	05/13/2010
Attachments	idealwith.pdf (2 pages)(63397 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of:)	
)	
Woolpert, Inc.)	
)	
Serial No.: 77/497,391)	Opposition No. 91189061
)	
Filing Date: June 12, 2008)	
)	
Mark: IDEAL)	

**AMENDMENT OF APPLICATION WITH CONSENT AND CONDITIONAL
AGREEMENT TO WITHDRAWAL OF OPPOSITION**

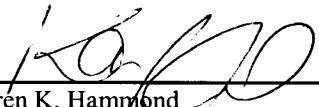
The above application was opposed in Opposition No. 91189061 by Opposer, bioMérieux, SA. Opposer and Applicant have settled the issues between them concerning the opposition. Pursuant to that settlement and 37 C.F.R. § 2.133 and T.B.M.P. § 514.02, Applicant, Woolpert, Inc., hereby amends the goods in International Class 9 of the subject application to read “computer software program for modeling the hydrology and water quality associated with developed land sites and the pollutant transfer and trapping efficiency of specific management practices, and excluding goods and services related to sampling atmospheric air in order to detect contamination.” As reflected by the signature of Opposer’s counsel below, Opposer consents to this amendment.

Applicant submits that the foregoing amendment does not add goods to or broaden the scope of the goods listed in application, but instead narrows same. As such, neither republication of the mark nor further examination of the mark is required as a result of this amendment. Accordingly, Applicant respectfully requests that the TTAB approve the amendment without republication of the mark.

As reflected by the signature of Opposer's counsel below, Opposer hereby withdraws its opposition to the subject application, conditioned, however, on the acceptance and entry of the foregoing amendment or an amendment with substantially similar wording which is required by and acceptable to the TTAB. As reflected by the signature of Applicant's counsel below, this conditional withdrawal is submitted with the consent of Applicant pursuant to 37 C.F.R. § 2.106(c).

WHEREFORE, Applicant and Opposer move that the subject application be amended as stated herein and that the opposition be dismissed. Each party will bear its own costs.

Respectfully submitted,

 Karen K. Hammond Porter, Wright, Morris & Arthur LLP 41 S. High St. Columbus, OH 43215 Phone: (614) 227-2182 Fax: (614) 227-2100 Email: khammond@porterwright.com Attorney for Applicant, Woolpert, Inc. Date: <u>5-13</u> , 2010	/s/ Andrea Anderson Andrea Anderson Holland & Hart LLP P.O. Box 8749 Attn.: Tracy Baker Denver, CO 80201 Phone: (303) 473-2861 Fax: (303) 473-2720 Email: aanderson@hollandhart.com Attorney for Opposer, bioMérieux, SA Date: <u>May 12</u> , 2010
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